

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO.2278 of 2005

PETITIONER

Shiv Murty Ram Yadav,
S/o Ramjit Yadav, Age 61 years,
R/o Vaishali Nagar Chowk, Near
Vinoba Nagar, Bilaspur (CG)

Versus

RESPONDENT

Municipal Corporation, Bilaspur
Through: Commissioner, Bilaspur
(CG).

Present : Mr. Ali Asgar, learned counsel for the petitioner.
Mr. A.S. Kachhawaha, learned counsel for the respondent.

ORAL ORDER
(Passed on 22nd December, 2005)

The issue brought before the Court is very simple in nature and it need not detain in the Court for long. Admittedly, the subject property is owned by the petitioner. It is the case of the respondent that the subject property is required for widening and beautifying the road. Admittedly, the Municipal Corporation or the State Government has not initiated the proceedings under the Land Acquisition Act to acquire the subject property. The respondent – Municipal Corporation cannot and should not meddle with the subject property owned by the petitioner without recourse to law thereby meaning without acquiring the same by initiating steps under the Land Acquisition Act, 1894.

(2) In that view of the matter, I dispose of the writ petition directing the Municipal Corporation not to interfere or meddle with the subject property of the petitioner without recourse to law and without

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acquiring the subject property under the provisions of the Land Acquisition Act or any other enabling statute. There shall be no order as to costs.

Sd/-
Chief Justice
Judge

Dr. J. M. S. Roy